

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Dov Spitezki and Sara Hecht

Plaintiff

v.

United Collection Bureau, Inc.

Defendant

Civil Action No.

CV 11 - 3684

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United Collection Bureau, Inc.
5620 Southwyck Blvd Suite 206
Toledo ohio 43614

KORMAN, J.

ORENSTEIN, M.J.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Lawrence Katz
Law Offices of Lawrence Katz PC
445 Central Avenue, Suite 201
Cedarhurst New York 11516

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ROBERT C. HEINEMANN

CLERK OF COURT

Date: AUG 1 - 2011

Umar Klein

Signature of Clerk or Deputy Clerk

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
AUG 01 2011
★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Dov Spitezki and Sara Hecht

BROOKLYN OFFICE
Plaintiffs,

**CLASS ACTION
COMPLAINT**

-against-

United Collection Bureau, Inc.

CV 11 - 3684

Defendant.

ORMAN, J.

**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

ORENSTEIN, M.J

Plaintiffs bring this action on their own behalf and on behalf of all others similarly situated for damages arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

Introduction

1. This action seeks redress for the illegal practices of Defendant, concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* ("FDCPA").

Jurisdiction and Venue

2. This Court has Federal question jurisdiction under 28 U.S.C. §1331.
3. Venue is proper in this District because the acts and transactions that give rise to this action occurred, in substantial part, in this District. Additionally, plaintiffs reside in this District.
4. Plaintiffs reside in the county of Kings.
5. Plaintiffs are "Consumers" as that term is defined by § 1692(a)(3) of the FDCPA

in that the alleged debts that the defendant, sought to collect are consumer debts.

6. Upon information and belief, defendant is an active Ohio business corporation, which does business in this district.

7. Defendant is regularly engaged in the collection of debts allegedly owed by consumers.

8. Defendant is a "Debt Collector" as that term is defined by § 1692(a)(6) of the FDCPA.

9. Plaintiffs received direct communications from defendant, a debt collector, in the form of a collection letter within one year from the filing of this complaint. Copies of the letters are attached as Exhibit A.

CLASS ACTION ALLEGATIONS

10. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of plaintiffs and all consumers with addresses located within the state of New York and their successors in interest (the "Class") who have received debt collection notices and/or letters from the defendant as of one year prior to the filing of plaintiffs' complaint until the present, which was the first written communication sent by the defendant to the consumer and which communication did not contain the thirty (30) day notice required by statute and where the consumer did not otherwise receive a 30 day notice in writing from the defendant, sent within five days of the initial written communication. Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of defendant.

11. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

12. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, 40 or more persons have received debt collection notices from the defendant, which violate various provisions of the FDCPA.

13. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § §1692g and 1692e.

b. Whether plaintiff and the Class have been injured by the defendant's conduct; and

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution.

14. Plaintiffs' claims are typical of the claims of the Class, and plaintiffs have no interests adverse or antagonistic to the interests of other members of the Class.

15. Plaintiffs will fairly and adequately protect the interests of the Class and have retained experienced counsel, competent in the prosecution of class action litigation.

16. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiffs anticipate that no unusual difficulties are likely to be encountered in the management of this class action.

17. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages.

18. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate relief with respect to the Class as a whole.

AS AND FOR A FIRST CAUSE OF ACTION

19. Plaintiff re-alleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.

20. Collection letters, such as those sent by defendant, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

21. Section 1692e of the Fair Debt Collection Practices Act states that:
"A debt collector may not use any false, deceptive or misleading representation or means in connection with the collection of any debt."

22. Section 1692e(10) prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

23. Defendant violated §1692e(10) of the FDCPA by failing to give the notices required under § 1692g. Said action also constitutes a violation of §1692g.

WHEREFORE, plaintiffs respectfully request that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiffs as Class representative;
- b) Awarding plaintiffs and the class statutory damages;
- c) Awarding plaintiffs and the class costs of this action, including reasonable attorneys' fees and expenses; and
- d) Awarding plaintiffs and the class such other and further relief as the Court may deem just and proper.

Dated: Cedarhurst, New York
July 28, 2011

Plaintiffs request trial by jury on all issues so triable.

A handwritten signature in black ink, appearing to read 'Lawrence Katz', is written over a horizontal line.

Lawrence Katz
445 Central Avenue Suite 201
Cedarhurst, New York 11516
Telephone (516) 374-2118
Facsimile (516) 706-2404

Exhibit A

CALIFORNIA: As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations.

COLORADO: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA.

IDAHO: Toll Free 800-866-6228.

MAINE: Hours of Operation (EST): Monday through Thursday, 8:00 a.m. to 8:00 p.m.; Friday 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 12:00 p.m.

MASSACHUSETTS: **NOTICE OF IMPORTANT RIGHTS** You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector. Hours of Operation (EST): Monday through Thursday, 8:00 a.m. to 8:00 p.m.; Friday 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 12:00 p.m.

MINNESOTA: This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY: New York City Department of Consumer Affairs License Number 1004887

NORTH CAROLINA: North Carolina Permit Numbers: 3422, 3843, 4022 and 4367.

TENNESSEE: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

UTAH: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations.

WISCONSIN: This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

IF ANY OF THE FOLLOWING HAS CHANGED SINCE YOUR LAST STATEMENT, PLEASE INDICATE...

Your Name _____	Marital Status _____
Street _____	Home Phone _____
City _____	State _____ Zip _____
Employer _____	Business Phone _____
Employer Address _____	
Ins. Company _____	Contract No. _____
Ins. Company Address _____	Ins. Policy No. _____
Ins. Company City, State, Zip _____	Ins. Group # _____
Insurance Phone No. _____	Spouse's Name _____
Date Of Birth _____	Social Security No. _____

UNITED COLLECTION BUREAU, INC.
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO OH 43614

1-800-867-3104

July 8, 2011

SARA HECHT
[REDACTED]
BROOKLYN NY [REDACTED]

Re: VERIZON WIRELESS
NORTHEAST

Account Number: [REDACTED]
Principal Amt: \$1353.08
Collection Fee: \$243.55
Balance Due: \$1596.63

RE: SPECIAL SETTLEMENT OFFER

VERIZON WIRELESS NORTHEAST has authorized United Collection Bureau, Inc. to offer you an excellent opportunity to settle the account listed above. We are not obligated to renew this offer. Please contact our office to discuss a reduction on your current balance. This offer is valid for a limited time.

Our client has provided us with options to work with you. We look forward to hearing from you soon to take advantage of this offer. When calling our office at 1-800-867-3104, please refer to reference number 32671316.

Business Hours: 8:00AM – 10:00PM Eastern Time Monday – Thursday
8:00AM – 8:00PM Eastern Time Friday
8:00AM – 4:00PM Eastern Time Saturday

This is an attempt to collect a debt by UCB, Inc., a debt collector, and any information obtained will be used for that purpose.

Very truly yours,

United Collection Bureau, Inc.

The Collection Fee (if any) detailed above has been added to your account balance by Verizon Wireless in accordance with state law and as authorized in your Customer Agreement with Verizon Wireless. The Collection Fee is not assessed to your account balance by UCB.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

ICU027000VKSS

PLEASE RETURN THIS PORTION WITH PAYMENT. DO NOT ATTACH CHECK TO THIS

Re: VERIZON WIRELESS NORTHEAST
Account Number: [REDACTED]
Principal Amt: \$1353.08
Collection Fee: \$243.55
Balance Due: \$1596.63

PO BOX 1117
TOLEDO OH 43537-8117

RETURN SERVICE REQUESTED

☐ Please check box if address shown is incorrect or insurance information has changed, and indicate change(s) on reverse side.

32671316-VKSS 579458823

SARA HECHT
[REDACTED]
BROOKLYN NY [REDACTED]

REMIT TO:
UNITED COLLECTION BUREAU, INC.
PO BOX 1117
TOLEDO OH 43537-8117



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IF ANY OF THE FOLLOWING HAS CHANGED SINCE YOUR LAST STATEMENT, PLEASE INDICATE...

Your Name _____	Marital Status _____
Street _____	Home Phone _____
City _____	State _____ Zip _____
Employer _____	Business Phone _____
Employer Address _____	
Ins. Company _____	Contract No. _____
Ins. Company Address _____	Ins. Policy No. _____
Ins. Company City, State, Zip _____	Ins. Group # _____
Insurance Phone No. _____	Spouse's Name _____
Date Of Birth _____	Social Security No. _____